

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 17-1144

REGINALD D. EVANS,

Plaintiff - Appellant,

v.

CAROLINA RICHARDSON, Treasurer for Sumter County, South Carolina;
SUMTER COUNTY, South Carolina,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at
Columbia. Joseph F. Anderson, Jr., Senior District Judge. (3:16-cv-03202-JFA)

Submitted: May 23, 2017

Decided: May 25, 2017

Before KING, AGEE, and WYNN, Circuit Judges.

Dismissed and remanded by unpublished per curiam opinion.

Reginald D. Evans, Appellant Pro Se. James M. Davis, Jr., DAVIDSON &
LINDEMANN, PA, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Reginald Evans seeks to appeal the district court's order accepting in part the magistrate judge's recommendation and dismissing without prejudice his civil complaint. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2012), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2012); Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-47 (1949). Because the deficiencies identified by the district court may be remedied by the filing of an amended complaint,^{*} we conclude that the order Evans seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. *Goode v. Cent. Va. Legal Aid Soc'y, Inc.*, 807 F.3d 619, 623 (4th Cir. 2015); *Domino Sugar Corp. v. Sugar Workers Local Union* 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993).

Accordingly, we dismiss the appeal for lack of jurisdiction and remand the case to the district court with instructions to allow Evans to file an amended complaint. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED AND REMANDED

^{*} The district court's order makes clear that some of Evans' claims may not be saved through amendment, and he may realistically only state a plausible claim for relief with regard to his Fourteenth Amendment claims. This split judgment does not provide us with jurisdiction to consider Evans' appeal. *See Waugh Chapel S., LLC v. United Food & Commercial Workers Union Local 27*, 728 F.3d 354, 359 (4th Cir. 2013).